

AMENDED IN ASSEMBLY MARCH 17, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 212**

**Introduced by Assembly Member Maze**

January 29, 2003

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~~An act to amend Sections 52122, 52123, 52124, 52124.5, and 52126 of the Education Code, relating to class size. An act to add and repeal Sections 22714.5, 44929.1, and 87488.1 of the Education Code, relating to state teachers' retirement.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 212, as amended, Maze. ~~Class size reduction~~ *State teachers' retirement: retirement incentive.*

*Existing law authorized a member of the Defined Benefit Program of the State Teachers' Retirement Plan to receive an additional 2 years of service credit if the member's employer took a specified formal action, prior to January 1, 1999, encouraging its employees to retire; the member retired within the period designated in that formal action; and other conditions existed.*

*This bill would authorize those members, upon a specified determination by their employer and pursuant to the terms of a memorandum of understanding, to receive credit for an additional 2 years of service or 2 years of age, or both, if those members retire within a designated period, prior to January 1, 2005, and other conditions are met.*

~~Existing law establishes the Class Size Reduction Program in which participating school districts are provided funding for reducing class size to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades~~

~~1 to 3, inclusive. Existing law allows certain small school districts to determine the average class size on a schoolsite basis rather than on an individual class basis if the ratio of pupils to teacher in any class included in the average does not exceed the 20 to 1 ratio by more than 2 pupils.~~

~~This bill would allow school districts to receive funding for reducing a class size to a ratio of 24 pupils to 1 teacher in kindergarten and any of grades 1 to 3, inclusive. Existing law would allow certain small school districts to determine the average class size on a schoolsite basis if the ratio of pupils to teacher in any class included in the average does not exceed the 24 to 1 ratio by more than 2 pupils.~~

~~This bill would make technical and conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. The Legislature finds and declares all of the~~  
2 *SECTION 1. Section 22714.5 is added to the Education Code,*  
3 *to read:*

4 *22714.5. (a) Notwithstanding Sections 22714, 44929, and*  
5 *87488, an additional two years of service or an additional two*  
6 *years of age, or both, as specified in the memorandum of*  
7 *understanding described in paragraph (3), shall be credited under*  
8 *this part to a member of the Defined Benefit Program if the*  
9 *following conditions exist:*

10 *(1) The member is credited with five or more years of service*  
11 *credit and retires for service under the provisions of Chapter 27*  
12 *(commencing with Section 24201) within the period designated by*  
13 *the employer in the memorandum of understanding described in*  
14 *paragraph (3).*

15 *(2) The employer determines that the best interests of the*  
16 *district would be served by encouraging certificated or academic*  
17 *employees to retire for service and transfers to the retirement fund*  
18 *an amount determined by the Teachers' Retirement Board to equal*  
19 *the actuarial equivalent of the difference between the allowance*  
20 *the member receives after receipt of the credit for additional*  
21 *service or age or both pursuant to this section and the amount the*  
22 *member would have received without the additional credit and an*  
23 *amount determined by the Teachers' Retirement Board to equal the*

1 actuarial equivalent of the difference between the purchasing  
2 power protection supplemental payment the member receives after  
3 receipt of the credit for additional service or age or both pursuant  
4 to this section and the amount the member would have received  
5 without the additional credit. The payment for purchasing power  
6 shall be deposited in the Supplemental Benefit Maintenance  
7 Account established by Section 22400 and shall be subject to  
8 Section 24415. The transfer to the retirement fund shall be made  
9 in a manner and time period acceptable to the employer and the  
10 Teachers' Retirement Board.

11 (3) This section has been made applicable to the employer and  
12 the member pursuant to a memorandum of understanding between  
13 the employer and the representative employee organization.

14 (b) The amount of additional service credit and additional age  
15 shall each be two years regardless of credited service or age.

16 (c) Any member of the Defined Benefit Program who is credited  
17 with additional age or service or both under this section and who  
18 subsequently reinstates from retirement shall forfeit the additional  
19 credit granted under this section.

20 (d) This section is not applicable to any member otherwise  
21 eligible if the member receives any unemployment insurance  
22 payments arising out of employment with an employer subject to  
23 this part during a period extending one year beyond the effective  
24 date of the memorandum of understanding, or if the member is not  
25 otherwise eligible to retire for service without the additional age  
26 or service credit available under this section.

27 (e) This section shall remain in effect only until January 1,  
28 2005, and as of that date is repealed, unless a later enacted statute,  
29 that is enacted before January 1, 2005, deletes or extends that date.

30 SEC. 2. Section 44929.1 is added to the Education Code, to  
31 read:

32 44929.1. Notwithstanding Section 44929, an additional two  
33 years of service or an additional two years of age, or both, shall  
34 be credited under the Defined Benefit Program of the State  
35 Teachers' Retirement Plan to a certificated employee pursuant to  
36 Section 22714.5 if all of the conditions set forth in that section are  
37 satisfied.

38 SEC. 3. Section 87488.1 is added to the Education Code, to  
39 read:

1     87488.1. *Notwithstanding Section 87488, an additional two*  
2 *years of service or an additional two years of age, or both, shall*  
3 *be credited under the Defined Benefit Program of the State*  
4 *Teachers' Retirement Plan to an academic employee pursuant to*  
5 *Section 22714.5 if all of the conditions set forth in that section are*  
6 *satisfied.*

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10     **All matter omitted in this version of the**  
11     **bill appears in the bill as introduced As-**  
12     **sembly, January 29, 2003 (JR 11)**  
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